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EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
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3625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/933,861	Applicant(s) BHATIA ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The drawings filed May 14, 2007 are accepted. Applicant amended claims 36 and 42. Claims 26-53 are pending. Applicant's amendment to claim 36 overcomes the previous 35 USC 112, second paragraph rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Slotznick (U.S. Patent 5,983,200).

Referring to claim 26. Slotznick discloses a method for context personal browsing comprising:

- Providing a remote computer system, the remote computer system receiving data from a client computer system having a browser companion agent including one or more than one associated service modules that assist a user of the client computer system by providing services that are contextually relevant to content on a browser on the client computer system, the data received by the remote

computer system being determined according to the content page present on a browser of the client computer system or the user associated with the client computer system (Slotznick: abstract);

- Determining from the page data at least one set of data or executable code that corresponds to a service module associated with the browser companion agent (Slotznick: abstract and figure 2).
- Sending the data or code to the browser companion agent for use by the service module (Slotznick: column 12, lines 56-67).

Referring to claim 27. Slotznick further discloses a method wherein the service module is a transaction tracking service (Slotznick: column 5, lines 41-51).

Referring to claim 28. Slotznick further discloses a method wherein the browser companion agent includes at least two of the service modules (Slotznick: column 5, lines 41-51).

Referring to claim 29. Slotznick further discloses a method wherein the data or code sent to the browser companion agent is determined by parsing the page for elements matching elements in a database, the elements in the database corresponding to the code or data to send to the remote computer system (Slotznick: column 3, lines 7-28).

Referring to claim 30. Slotznick further discloses a method wherein the data or code sent to the browser companion agent is determined by looking up in a database corresponding code or data to send to the remote computer system (Slotznick: column 3, lines 7-28).

Referring to claim 31-34. Claims 31-34 are rejected under the same rationale as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-48 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (U.S. Patent 5,983,200) in view of Perkowski (U.S. Patent Application Publication No. 2003/0158792).

Referring to claim 36. The combination of Slotznick and Perkowski discloses a method wherein the browser comprises a version of a web browser and the companion agent comprises a browser helper object (Perkowski: abstract and paragraph 16). It would have been obvious to one of ordinary skill in the art to have modified the method of Slotznick to have included a browser helper object, as taught by Perkowski, in order to assist with comparison shopping (Perkowski: paragraph 16).

Referring to claims 37-38. The combination of Slotznick and Perkowski further discloses a method wherein the data sent to the remote computer system comprises the location identifier for a page on the browser of the client computer system (Perkowski: paragraph 11) and wherein the location identifier comprises a URL for the page (Perkowski: abstract).

Referring to claims 39-40. The combination of Slotznick and Perkowski further discloses a method wherein the data sent to the remote computer system comprises data about the content or structure on the page on the browser of the client computer system (Perkowski: paragraph 11).

Referring to claim 41. The combination of Slotznick and Perkowski further discloses a method comprising:

- From a first computer system, sending a service module for context personalized browsing comprising executable code to a second computer system, the second computer system including a browser companion agent comprising a service component for holding one or more service modules, a service module comprising code relating to providing a user of the second computer system information relating to an actual or potential e-commerce transaction (Slotznick: abstract).
- A data component for holding data related to one or more service modules (Perkowski: paragraphs 16 and 23);
- A tracking component for tracking the domain of a page presented on a browser and communicating page domain data to a remote computer system (Perkowski: paragraph 119);
- A receiving component for receiving data from the remote computer system responsive to the page domain data, the service module being installable in the service component of the second computer system, the service module being

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sent to the second computer system also being useful to a user considering an e-commerce transaction (Perkowski: figures 1 and paragraph 119).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Slotznick to have included a data, tracking, and receiving component, as taught by Perkowski, in order to enable users to search and retrieve products (Perkowski: paragraph 16).

Referring to claim 42. The combination of Slotznick and Perkowski further discloses a method wherein the agent includes a user interface that is coupled to a browser, the user interface capable of receiving user input and sending the input to a remote computer system or displaying information received from a remote computer system (Perkowski: figure 4).

Referring to claim 43-48. Claims 43-48 are rejected under the same rationale as set forth above.

Referring to claim 51. The combination of Slotznick and Perkowski further discloses a method wherein the services are invoked in a predetermined order based on assigned priorities (Perkowski: paragraph 16).

Referring to claim 52-53. The combination of Slotznick and Perkowski further discloses a method wherein the priority is assignable by the remote computer system or is set by one of the services (Perkowski: paragraph 16).

Claims 35,49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Slotznick and Perkowski and further in view of Beck (U.S. Patent No. 6,138,139) .

Referring to claims 35,49, and 50. The combination of Slotznick and Perkowski discloses all of the above as noted in the 102(e) rejection but does not expressly disclose a method wherein a data or service module comprises a COM object. Beck discloses a method wherein a service module comprises a COM object (Beck: abstract, paragraphs 55-56). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Slotznick/Perkowski to have included data or service modules comprising a COM object, as taught by Beck, in order to interact with other electronic commerce applications (Beck: paragraph 56). Claim 50 is rejected under the same rationale set forth above.

Response to Arguments

Applicant's arguments filed May 14, 2007 have been fully considered but they are not persuasive. Applicant argues that the prior art of record use a "host-based" approach, which is dissimilar to the "browser based" approach of the application. The examiner notes that the Slotznick and Perkowski clearly disclose providing context personal browsing, as noted above in the rejection of the claims. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the

intended use, then it meets the claim. Applicant further argues that Slotznick does not disclose a browser. A browser is defined as a client application that enables to a user to view documents on the World Wide Web or another network. Slotznick allows users to connect to the Internet for context personal browsing (Slotznick: column 8, lines 6-20). For the above reasons, the rejection of claims 26 and 41 remain. Applicant's arguments regarding the rejection of claims 35 and 49-53 are similar to those made above regarding browser versus host-based configurations and are rejected under the same rationale.

The applicant further argues that Slotznick does not disclose a transaction tracking service. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a program that recognizes and sends the transaction related pages to the server while a user is purchasing an item) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant further argues that the combination of Slotznick and Perkowski does not teach the transfer of a service module from a host system to a browser, as claimed in claims 41-53. Applicant defines a service module as comprising code relating to providing a user of a second computer system information relating to an e-commerce transaction. The examiner disagrees because Slotznick and Perkowski both disclose a user transferring information (such as ordering flowers or finding desired

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products) over the Internet in order complete an e-commerce transaction (buying said product).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAEEM HAQ
PRIMARY EXAMINER



JBD
Patent Examiner
7/23/07